



General Assembly

***Substitute Bill No. 6579***

*January Session, 2003*

***AN ACT CONCERNING THE INSTALLATION OF FIRE SPRINKLER  
SYSTEMS IN NURSING HOMES AND NEW HOME CONSTRUCTION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Section 29-315 of the general statutes is repealed and the  
2       following is substituted in lieu thereof (*Effective July 1, 2003*):

3       (a) (1) When any building is to be built having more than four  
4       stories and is to be used for human occupancy, such building shall  
5       have an automatic fire extinguishing system approved by the State Fire  
6       Marshal on each floor.

7       (2) When any building is (A) to be built as an educational  
8       occupancy, (B) eligible for a school building project grant pursuant to  
9       chapter 173, and (C) put out to bid on or after July 1, 2004, such  
10      building shall have an automatic fire extinguishing system approved  
11      by the State Fire Marshal on each floor. "Educational occupancy" shall  
12      have the same meaning as in the Fire Safety Code.

13      (b) Each hotel or motel having six or more guest rooms and  
14      providing sleeping accommodations for more than sixteen persons for  
15      which a building permit for new occupancy is issued on or after  
16      January 1, 1987, shall have an automatic fire extinguishing system  
17      installed on each floor in accordance with regulations adopted by the  
18      Commissioner of Public Safety.

19 (c) Not later than October 1, 1992, each hotel or motel having more  
20 than four stories shall have an automatic fire extinguishing system  
21 approved by the State Fire Marshal on each floor.

22 (d) (1) Not later than January 1, 1995, each residential building  
23 having more than four stories and occupied primarily by elderly  
24 persons shall have an automatic fire extinguishing system approved by  
25 the State Fire Marshal on each floor. Not later than January 1, 1994, the  
26 owner or manager of or agency responsible for such residential  
27 building shall submit plans for the installation of such system, signed  
28 and sealed by a licensed professional engineer, to the local fire marshal  
29 within whose jurisdiction such building is located or to the State Fire  
30 Marshal, as the case may be. For the purposes of this subsection, the  
31 phrase "occupied primarily by elderly persons" means that on October  
32 1, 1993, or on the date of any inspection, if later, a minimum of eighty  
33 per cent of the dwelling units available for human occupancy in a  
34 residential building have at least one resident who has attained the age  
35 of sixty-five years.

36 (2) Each residential building having more than twelve living units  
37 and occupied primarily by elderly persons, as defined in subdivision  
38 (1) of this subsection, or designed to be so occupied, for which a  
39 building permit for new occupancy is issued or which is substantially  
40 renovated on or after January 1, 1997, shall have an automatic fire  
41 extinguishing system approved by the State Fire Marshal on each floor.

42 (e) No building inspector shall grant a building permit unless a fire  
43 extinguishing system as required by subsection (a) or (b) of this section  
44 is included in the final, approved building plans and no fire marshal or  
45 building inspector shall permit occupancy of such a building unless  
46 such fire extinguishing system is installed and operable. The State Fire  
47 Marshal may require fire extinguishing systems approved by him to be  
48 installed in other occupancies where they are required in the interest of  
49 safety because of special occupancy hazards.

50 (f) Not later than July 1, 2005, each nursing home, as defined in

51 section 19a-490, and each nursing home facility, as defined in section  
52 19a-521, shall have an automatic fire extinguishing system approved  
53 by the State Fire Marshal on each floor. Not later than July 1, 2004, the  
54 owner or authorized agent of the nursing home or nursing home  
55 facility shall submit plans for the installation of such system, signed  
56 and sealed by a licensed professional engineer, to the local fire marshal  
57 and building official within whose jurisdiction such building is located  
58 or to the State Fire Marshal, as the case may be, and shall apply for a  
59 building permit for such system.

60 (g) Any person who violates any provision of this section shall be  
61 fined not less than one hundred dollars nor more than one thousand  
62 dollars or imprisoned not more than six months, or both, for each day  
63 such violation continues.

64 Sec. 2. Section 20-417d of the general statutes is repealed and the  
65 following is substituted in lieu thereof (*Effective October 1, 2003*):

66 (a) A new home construction contractor shall (1) prior to entering  
67 into a contract with a consumer for new home construction, provide to  
68 the consumer a copy of the new home construction contractor's  
69 certificate of registration and a written notice that (A) discloses that the  
70 certificate of registration does not represent in any manner that such  
71 contractor's registration constitutes an endorsement of the quality of  
72 such person's work or of such contractor's competency by the  
73 commissioner, (B) advises the consumer to contact the Department of  
74 Consumer Protection to determine (i) if such contractor is registered in  
75 this state as a new home construction contractor, (ii) if any complaints  
76 have been filed against such contractor, and (iii) the disposition of any  
77 such complaints, and (C) advises the consumer to request from such  
78 contractor a list of consumers of the last twelve new homes  
79 constructed to completion by the contractor during the previous  
80 twenty-four months, or if the contractor has not constructed at least  
81 twelve new homes to completion during the previous twenty-four  
82 months, then a list of all consumers for whom the contractor has  
83 constructed a new home to completion during the previous twenty-

84 four months, and to contact several individuals on the list to discuss  
85 the quality of such contractor's new home construction work, (2) state  
86 in any advertisement, including any advertisement in a telephone  
87 directory, the fact that such contractor is registered, and (3) include  
88 such contractor's registration number in any such advertisement. The  
89 new home contractor, or his agent, shall also discuss with the  
90 consumer the installation of an automatic fire extinguishing system in  
91 a new home.

92 (b) A new home construction contractor shall include in every  
93 contract with a consumer a provision advising the consumer that the  
94 consumer may be contacted by such contractor's prospective  
95 consumers concerning the quality and timeliness of such contractor's  
96 new home construction work, unless the consumer advises such  
97 contractor, in writing, at the time the contract is executed, that the  
98 consumer prefers not to be contacted.

99 (c) The written notice required in subsection (a) of this section shall  
100 be in capital letters not less than ten-point bold face type, and may  
101 include a statement in substantially the following form:

102 "NEW HOME CONSTRUCTION CONTRACTOR

103 REGISTRATION NOTICE

104 A CERTIFICATE OF REGISTRATION AS A NEW HOME  
105 CONSTRUCTION CONTRACTOR DOES NOT REPRESENT IN ANY  
106 MANNER THAT THE CONNECTICUT DEPARTMENT OF  
107 CONSUMER PROTECTION ENDORSES THE QUALITY OF THE  
108 CONTRACTOR'S NEW HOME CONSTRUCTION WORK OR THE  
109 CONTRACTOR'S COMPETENCY TO ENGAGE IN NEW HOME  
110 CONSTRUCTION.

111 ACCORDINGLY, YOU ARE ADVISED TO:

112 (1) REQUEST FROM THE CONTRACTOR A LIST OF  
113 CONSUMERS OF THE LAST TWELVE NEW HOMES

114 CONSTRUCTED TO COMPLETION BY THE CONTRACTOR  
115 DURING THE PREVIOUS TWENTY-FOUR MONTHS, OR IF THE  
116 CONTRACTOR HAS NOT CONSTRUCTED AT LEAST TWELVE  
117 NEW HOMES TO COMPLETION DURING THE PREVIOUS  
118 TWENTY-FOUR MONTHS, THEN A LIST OF ALL CONSUMERS  
119 FOR WHOM THE CONTRACTOR HAS CONSTRUCTED A NEW  
120 HOME TO COMPLETION DURING THE PREVIOUS TWENTY-  
121 FOUR MONTHS,

122 (2) CONTACT SEVERAL INDIVIDUALS ON THE LIST TO  
123 DISCUSS THE QUALITY AND THE TIMELINESS OF THE  
124 CONTRACTOR'S NEW HOME CONSTRUCTION WORK, AND

125 (3) CONTACT THE DEPARTMENT OF CONSUMER  
126 PROTECTION TO VERIFY THE REGISTRATION INFORMATION  
127 PRESENTED BY THE CONTRACTOR AND TO ASCERTAIN THE  
128 CONTRACTOR'S COMPLAINT HISTORY WITH THE  
129 DEPARTMENT.

130 IN ADDITION, YOU ARE ADVISED TO DISCUSS WITH THE  
131 NEW HOME CONSTRUCTION CONTRACTOR:

132 (1) WHETHER THE CONTRACTOR HAS A CUSTOMER SERVICE  
133 POLICY AND IF SO, THE IDENTITY OF THE PERSON  
134 DESIGNATED TO ASSIST YOU IN RESOLVING ANY COMPLAINT  
135 ABOUT THE CONTRACTOR'S WORK, [AND]

136 (2) WHETHER THE CONTRACTOR WILL HOLD YOU  
137 HARMLESS FOR WORK PERFORMED BY ANY SUBCONTRACTOR  
138 HIRED BY THE CONTRACTOR, AND

139 (3) THE INSTALLATION OF AN AUTOMATIC FIRE  
140 EXTINGUISHING SYSTEM.

141 THIS NOTICE DOES NOT CONTAIN AN EXHAUSTIVE LIST OF  
142 THE INQUIRIES YOU SHOULD MAKE BEFORE CONTRACTING  
143 WITH A NEW HOME CONSTRUCTION CONTRACTOR.

144 ADDITIONAL INFORMATION TO ASSIST YOU IN YOUR  
145 SELECTION OF A NEW HOME CONSTRUCTION CONTRACTOR  
146 MAY BE OBTAINED BY CONTACTING THE CONNECTICUT  
147 DEPARTMENT OF CONSUMER PROTECTION."

148 (d) No person shall: (1) Present, or attempt to present as such  
149 person's own, the certificate of another; (2) knowingly give false  
150 evidence of a material nature to the commissioner for the purpose of  
151 procuring a certificate; (3) represent such person falsely as, or  
152 impersonate, a registered new home construction contractor; (4) use or  
153 attempt to use a certificate which has expired or which has been  
154 suspended or revoked; (5) engage in the business of a new home  
155 construction contractor or hold himself or herself out as a new home  
156 construction contractor without having a current certificate of  
157 registration under sections 20-417a to 20-417i, inclusive, and subsection  
158 (b) of section 20-421; (6) represent in any manner that such person's  
159 registration constitutes an endorsement of the quality of such person's  
160 work or of such person's competency by the commissioner; or (7) fail  
161 to refund a deposit paid to a new home construction contractor not  
162 later than ten days after a written request mailed or delivered to the  
163 new home construction contractor's last known address, if (A) the  
164 consumer has complied with the terms of the written contract up to the  
165 time of the request, (B) no substantial portion of the contracted work  
166 has been performed at the time of the request, (C) more than thirty  
167 days has elapsed since the starting date specified in the written  
168 contract or more than thirty days has elapsed since the date of the  
169 contract if such contract does not specify a starting date, and (D) the  
170 new home construction contractor has failed to provide a reasonable  
171 explanation to the consumer concerning such contractor's failure to  
172 perform a substantial portion of the contracted work. For purposes of  
173 this subdivision, "substantial portion of the contracted work" includes,  
174 but is not limited to, work performed by the new home construction  
175 contractor to (i) secure permits and approvals, (ii) redraft plans or  
176 obtain engineer, architect, surveyor or other approvals for changes  
177 requested by the consumer or made necessary by site conditions

178 discovered after the contract is executed, (iii) schedule site work or  
179 arrange for other contractors to perform services related to the  
180 construction of the consumer's new home, and (iv) do any other work  
181 referred to in the contract as a "substantial portion of the contracted  
182 work".

This act shall take effect as follows:	
Section 1	<i>July 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>

**PS**            *Joint Favorable Subst.*

**GL**            *Joint Favorable*

**JUD**          *Joint Favorable*

**APP**          *Joint Favorable*